

# Exhibit B

# Attorneys' Eyes Only

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# Transcript of Stephanie Christianson, Designated Representative, Volume 2

**Date:** June 28, 2018

**Case:** UMG Recordings, Inc., et al. -v- Grande Communications Networks, LLC, et al.


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Conducted on June 27, 2018

<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, STEPHANIE CHRISTIANSON, do hereby</p> <p>3 acknowledge that I have read and examined the</p> <p>4 foregoing testimony, and the same is a true,</p> <p>5 correct and complete transcription of the</p> <p>6 testimony given by me and any corrections appear</p> <p>7 on the attached Errata sheet signed by me.</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 (DATE) (SIGNATURE)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	237
<p>1 REPORTER'S CERTIFICATION</p> <p>2 I, Micheal A. Johnson, the officer before</p> <p>3 whom the foregoing deposition was taken, do hereby</p> <p>4 certify that the foregoing transcript is a true</p> <p>5 and correct record of the testimony given; that</p> <p>6 said testimony was taken by me stenographically</p> <p>7 and thereafter reduced to typewriting under my</p> <p>8 direction; that reading and signing was requested;</p> <p>9 and that I am neither counsel for, related to, nor</p> <p>10 employed by any of the parties to this case and</p> <p>11 have no interest, financial or otherwise, in its</p> <p>12 outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set my</p> <p>14 hand this 1st day of July, 2018.</p> <p>15</p> <p>16 </p> <p>17 _____</p> <p>18 MICHEAL A. JOHNSON, RDR, CRR</p> <p>19 NOTARY PUBLIC IN AND FOR</p> <p>20 THE STATE OF TEXAS</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	238

Transcript of Stephanie Christianson, Designated Representative, Volume 2<sup>1 (to4 )2</sup><sub>t4t</sub>

Conducted on June 28, 2018

<p>239</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>3 AUSTIN DIVISION</p> <p>4 UMG RECORDINGS, INC., §</p> <p>5 et al. §</p> <p>6 §</p> <p>7 VS. § CIVIL ACTION NUMBER</p> <p>8 § 1:17-cv-0365-LY</p> <p>9 GRANDE COMMUNICATIONS §</p> <p>10 NETWORKS LLC and §</p> <p>11 PATRIOT MEDIA §</p> <p>12 CONSULTING, LLC §</p> <p>13</p> <p>14 30(b)(6) Deposition of</p> <p>15 Grande Communications Networks LLC</p> <p>16 By and Through its Designated Representative</p> <p>17 STEPHANIE CHRISTIANSON</p> <p>18 And in Her Individual Capacity</p> <p>19 Austin, Texas</p> <p>20 June 28, 2018</p> <p>21 9:35 a.m.</p> <p>22 Volume 2 of 2</p> <p>23 Job No.: 193712</p> <p>24 Pages: 239 - 359</p> <p>25 Reported by: Micheal A. Johnson, RDR, CRR</p>	<p>241</p> <p>1 A P P E A R A N C E S</p> <p>2 FOR PLAINTIFFS:</p> <p>3 Philip J. O'Beirne</p> <p>4 STEIN MITCHELL CIPOLLONE</p> <p>5 BEATO &amp; MISSNER LLP</p> <p>6 1100 Connecticut Avenue, N.W., Suite 1100</p> <p>7 Washington, D.C. 200036</p> <p>8 (202) 661-0900</p> <p>9 pobeirne@steinmitchell.com</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANTS:</p> <p>12 Richard L. Brophy</p> <p>13 ARMSTRONG TEASDALE LLP</p> <p>14 7700 Forsyth Boulevard, Suite 1800</p> <p>15 St. Louis, Missouri 63105</p> <p>16 (314) 342-4159</p> <p>17 rbrophy@armstrongteasdale.com</p> <p>18</p> <p>19 VIDEOGRAPHER:</p> <p>20 Leyhbert Sharp</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>240</p> <p>1 Deposition of STEPHANIE CHRISTIANSON, held</p> <p>2 at the location of:</p> <p>3</p> <p>4 Kelly Hart &amp; Hallman LLP</p> <p>5 303 Colorado Street, Suite 2000</p> <p>6 Austin, Texas 78701</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Pursuant to Notice, before Micheal A.</p> <p>13 Johnson, Registered Diplomat Reporter and</p> <p>14 Certified Realtime Reporter.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>242</p> <p>1 INDEX</p> <p>2 STEPHANIE CHRISTIANSON</p> <p>3 June 28, 2018</p> <p>4 APPEARANCES 241</p> <p>5 PROCEEDINGS 245</p> <p>6</p> <p>7 EXAMINATION OF STEPHANIE CHRISTIANSON:</p> <p>8 BY MR. O'BEIRNE 245</p> <p>9 BY MR. BROPHY 353</p> <p>10 BY MR. O'BEIRNE 354</p> <p>11</p> <p>12 ACKNOWLEDGMENT OF DEPONENT 357</p> <p>13 REPORTER'S CERTIFICATION 359</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>283</p> <p>1 to answer the question.</p> <p>2 <b>A. I can't recall exactly why we held.</b></p> <p>3 <b>BY MR. O'BEIRNE:</b></p> <p>4 Q. Was this project ever completed?</p> <p>5 MR. BROPHY: Same caution regarding</p> <p>6 disclosure of attorney-client privileged and</p> <p>7 work-product materials.</p> <p>8 <b>A. Yes.</b></p> <p>9 <b>BY MR. O'BEIRNE:</b></p> <p>10 Q. When was this project completed?</p> <p>11 <b>A. When we started sending e-mails.</b></p> <p>12 Q. Followed by the hard copy warning letters,</p> <p>13 right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. When did you start sending e-mails --</p> <p>16 strike that.</p> <p>17 When did Grande start sending e-mails as</p> <p>18 you just described?</p> <p>19 <b>A. I don't have the start date off the top of</b></p> <p>20 <b>my head.</b></p> <p>21 Q. As Grande's corporate representative about</p> <p>22 the implementation of its DMCA policy, what is</p> <p>23 your best description of when Grande started</p> <p>24 sending e-mails as described in this document and</p> <p>25 your testimony?</p>	<p>285</p> <p>1 MR. BROPHY: Objection, vague.</p> <p>2 <b>A. Yes.</b></p> <p>3 <b>BY MR. O'BEIRNE:</b></p> <p>4 Q. What was Patriot's role in the decision to</p> <p>5 begin sending out e-mail notifications?</p> <p>6 MR. BROPHY: So again I'll caution the</p> <p>7 witness not to disclose attorney-client privileged</p> <p>8 communications or work-product materials.</p> <p>9 Counsel, if I could ask for a</p> <p>10 clarification. Which topic do you believe this</p> <p>11 falls under, specifically Patriot's role?</p> <p>12 MR. O'BEIRNE: Communications, information</p> <p>13 and documents exchanged between Grande and Patriot</p> <p>14 concerning any of the following topics, any DMCA</p> <p>15 Policy --</p> <p>16 MR. BROPHY: Got it. Understood.</p> <p>17 <b>A. I don't know.</b></p> <p>18 <b>BY MR. O'BEIRNE:</b></p> <p>19 Q. Sitting here today as Grande's corporate</p> <p>20 representative, you can't tell me Patriot's role,</p> <p>21 if any, in the decision to have Grande start</p> <p>22 sending out e-mails?</p> <p>23 MR. BROPHY: And I'll caution the witness</p> <p>24 not to disclose attorney-client privileged</p> <p>25 communications.</p>
<p>284</p> <p>1 <b>A. We switched over to sending e-mails</b></p> <p>2 <b>mid-2017.</b></p> <p>3 Q. Prior to switching over to sending</p> <p>4 e-mails, the process was that hard copy letters</p> <p>5 were going out but nobody was getting terminated,</p> <p>6 right?</p> <p>7 MR. BROPHY: Objection, vague.</p> <p>8 <b>A. Repeat that question for me one more time.</b></p> <p>9 <b>BY MR. O'BEIRNE:</b></p> <p>10 Q. Sure. Prior to switching over to sending</p> <p>11 e-mails, the process was that hard copy letters</p> <p>12 regarding copyright infringement were going out</p> <p>13 but nobody was getting terminated for copyright</p> <p>14 infringement or alleged copyright infringement,</p> <p>15 right?</p> <p>16 MR. BROPHY: Objection, vague.</p> <p>17 <b>A. The final warning notifications started</b></p> <p>18 <b>going out in June of 2017. That is when we</b></p> <p>19 <b>started the view or, you know, assessment of</b></p> <p>20 <b>whether we were going to terminate the customers.</b></p> <p>21 <b>BY MR. O'BEIRNE:</b></p> <p>22 Q. That was when the possibility that Grande</p> <p>23 might terminate a customer for copyright</p> <p>24 infringement or alleged copyright infringement</p> <p>25 began?</p>	<p>286</p> <p>1 <b>A. No, I can't.</b></p> <p>2 <b>BY MR. O'BEIRNE:</b></p> <p>3 Q. Ma'am, the reason Grande decided to update</p> <p>4 its policies in 2016 was that it became aware that</p> <p>5 Cox lost safe harbor protection for its conduct in</p> <p>6 December 2015, right?</p> <p>7 MR. BROPHY: I will instruct the witness</p> <p>8 not to answer that question on the grounds of</p> <p>9 attorney-client privilege.</p> <p>10 <b>BY MR. O'BEIRNE:</b></p> <p>11 Q. Ma'am, Grande became aware in</p> <p>12 December 2015, that Cox Cable Company was denied</p> <p>13 protection under the DMCA safe harbor because they</p> <p>14 did not have a sufficient policy, right?</p> <p>15 MR. BROPHY: Counsel, which topic does</p> <p>16 this fall under, specifically knowledge of the Cox</p> <p>17 litigation?</p> <p>18 MR. O'BEIRNE: No. Considerations for any</p> <p>19 DMCA policy.</p> <p>20 MR. BROPHY: I'll object as outside the</p> <p>21 scope of the topics.</p> <p>22 MR. O'BEIRNE: Hold on. I'll get you a</p> <p>23 more specific one. "Any policy, practice or</p> <p>24 capability that Grande considered, formulated or</p> <p>25 adopted for taking adverse action against</p>

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<p style="text-align: right;">299</p> <p>1 as part of determining the basis for your 30(b)(6)</p> <p>2 testimony today?</p> <p>3 MR. BROPHY: I'll just caution you not to</p> <p>4 disclose attorney-client privileged</p> <p>5 communications. Other than that, you may answer.</p> <p>6 <b>A. So my testimony has been on the knowledge</b></p> <p>7 <b>I have in my daily job and I deal with lots of</b></p> <p>8 <b>people on a daily basis regarding DMCA. There's</b></p> <p>9 <b>lots of interactions had to get answers that helps</b></p> <p>10 <b>provide this testimony.</b></p> <p>11 <b>BY MR. O'BEIRNE:</b></p> <p>12 Q. Sure. And I don't mean to be confusing.</p> <p>13 I don't mean -- I mean before you knew you were</p> <p>14 ever going to be a 30(b)(6) witness, you were just</p> <p>15 interacting with people doing your job, right?</p> <p>16 <b>A. Correct.</b></p> <p>17 Q. What I'm saying is, specifically, once you</p> <p>18 got these topics, my understanding is you talked</p> <p>19 to Mr. Horton briefly and then you called Ruth Ann</p> <p>20 at a break yesterday. Is it fair to say those are</p> <p>21 the only two conversations you had that were</p> <p>22 specifically caused by this 30(b)(6) notice to go</p> <p>23 get facts to support your testimony?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Okay. I don't mean to jump around, ma'am,</p>	<p style="text-align: right;">301</p> <p>1 <b>A. No.</b></p> <p>2 <b>BY MR. O'BEIRNE:</b></p> <p>3 Q. You would agree with me, no, there is no</p> <p>4 such barrier?</p> <p>5 <b>A. Yes, I would agree with you.</b></p> <p>6 Q. How does Ruth Ann Walsh -- strike that.</p> <p>7 Is it Walsh or Welsh?</p> <p>8 <b>A. Welsh.</b></p> <p>9 Q. Sorry. How does Ruth Ann Welsh at RCN</p> <p>10 determine who should receive a final warning</p> <p>11 certified letter?</p> <p>12 <b>A. She reviews the output of our accounts</b></p> <p>13 <b>that receive alleged infringement notices and the</b></p> <p>14 <b>accounts of those notices over a period of time.</b></p> <p>15 <b>We sort by total count and then usually it's in</b></p> <p>16 <b>the double digits, 15 or so and higher, those are</b></p> <p>17 <b>our higher count alleged infringers, that is who</b></p> <p>18 <b>gets targeted for the warning notice or the final</b></p> <p>19 <b>warning notice.</b></p> <p>20 Q. And you know that from discussions with</p> <p>21 Ruth Ann?</p> <p>22 <b>A. We have worked together on it.</b></p> <p>23 Q. So is there a set number, 15, or is it up</p> <p>24 to her discretion as she does this ad hoc review?</p> <p>25 <b>A. We usually -- there is no set number right</b></p>
<p style="text-align: right;">300</p> <p>1 I'm trying to work through the remaining things I</p> <p>2 have on my list, so please bear with me. I know</p> <p>3 there's some things that we've talked about, but I</p> <p>4 just want to make sure your testimony's clear.</p> <p>5 Grande could have implemented the e-mails</p> <p>6 and final termination letter process that it</p> <p>7 implemented sometime in 2017 in previous years,</p> <p>8 right?</p> <p>9 MR. BROPHY: Objection, vague and outside</p> <p>10 the scope of the topics.</p> <p>11 You can answer.</p> <p>12 <b>A. Hypothetically, yes.</b></p> <p>13 <b>BY MR. O'BEIRNE:</b></p> <p>14 Q. Well, not just hypothetically. The</p> <p>15 information that Grande has in its possession now</p> <p>16 that it uses to generate these e-mails and</p> <p>17 termination letters, it had that same kind of</p> <p>18 information about notices -- DMCA notices that it</p> <p>19 received in previous years, right?</p> <p>20 <b>A. The information is the same.</b></p> <p>21 Q. So there was no technical barrier that</p> <p>22 you're aware of, sitting here, that would've</p> <p>23 prevented Grande from implementing this process</p> <p>24 sooner, is there?</p> <p>25 MR. BROPHY: Object as vague.</p>	<p style="text-align: right;">302</p> <p>1 <b>now. It is double digits and usually in the 12 to</b></p> <p>2 <b>15 range.</b></p> <p>3 Q. Do you discuss each one with her?</p> <p>4 MR. BROPHY: Objection, vague. When you</p> <p>5 say "each one," you mean each termination,</p> <p>6 Counsel?</p> <p>7 MR. O'BEIRNE: Sorry. I'll rephrase.</p> <p>8 BY MR. O'BEIRNE:</p> <p>9 Q. Do you discuss each instance in which</p> <p>10 someone has received double digits sufficient to</p> <p>11 warrant a final termination warning?</p> <p>12 <b>A. We don't discuss them. At that point we</b></p> <p>13 <b>are looking at counts.</b></p> <p>14 Q. Is it your testimony that only 12 Grande</p> <p>15 customers have received double digit DMCA notices</p> <p>16 since November of 2016?</p> <p>17 <b>A. No, that's not the case.</b></p> <p>18 Q. Many more than 12 Grande subscribers have</p> <p>19 received double digit DMCA notices since</p> <p>20 November 2016, right, ma'am?</p> <p>21 MR. BROPHY: Objection, vague.</p> <p>22 <b>A. I don't have a count.</b></p> <p>23 <b>BY MR. O'BEIRNE:</b></p> <p>24 Q. Let's look at Topic 47 in Exhibit 188.</p> <p>25 "The number of warnings you sent to customers or</p>

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<p>303</p> <p>1 users for violation of any provision of any DMCA 2 Policy, Acceptable Use Policy, Repeat Infringer 3 Policy and/or for allegations of copyright 4 infringement, for the years 2012, 2013, 2014, 5 2015, 2016, and 2017." 6 Do you see that, ma'am? 7 <b>A. I do.</b> 8 Q. And you understand you've been offered as 9 Grande's corporate representative on this topic, 10 right? 11 <b>A. I do.</b> 12 Q. How many warnings did Grande send to 13 customers regarding allegations of copyright 14 infringement in the year 2012? 15 <b>A. I don't have the number off the top of my</b> 16 <b>head per year.</b> 17 Q. Setting aside having it off the top of 18 your head, did you bring with you the report from 19 Grande's system sufficient to provide that 20 information? 21 <b>A. No.</b> 22 Q. You could have, right, ma'am? Grande 23 could run a report to answer the question, "How 24 many warnings were sent to customers based on 25 allegations of copyright infringement for the year</p>	<p>305</p> <p>1 Q. And up through 2016, how many subscribers 2 of Grande were terminated based on any one of 3 these letters? 4 <b>A. Zero.</b> 5 Q. How many notices did Grande receive of 6 alleged copyright infringement from the years 2012 7 to 2017? 8 <b>A. 1.2 million.</b> 9 Q. Looking at Topic 46, "The number of 10 customers or cruisers whose accounts you suspended 11 or terminated for violation of any provision of 12 any DMCA Policy" -- et cetera -- "and/or for 13 allegations of copyright infringement." 14 You see it's the same years, right, ma'am? 15 <b>A. Yes.</b> 16 Q. You would agree the number of customers 17 suspended for copyright infringement or alleged 18 infringement in 2012 was zero? 19 <b>A. Yes.</b> 20 Q. 2013 it was zero? 21 <b>A. Yes.</b> 22 Q. 2014 it was zero? 23 <b>A. Yes.</b> 24 Q. 2015 it was zero? 25 <b>A. Yes.</b></p>
<p>304</p> <p>1 2012"? Grande has that information, right? 2 <b>A. We do.</b> 3 Q. How many warnings did Grande send to 4 customers for allegations of copyright 5 infringement for the year 2013? 6 <b>A. Same answer set applies.</b> 7 Q. Okay. So you would agree you can't tell 8 me, sitting here today, how many were sent in 9 2013, right? 10 <b>A. What I have is the total number of notices</b> 11 <b>that were sent over this timespan. I don't have</b> 12 <b>the breakdown of how many per year.</b> 13 Q. And you could get it? 14 <b>A. Yes.</b> 15 Q. How many were sent for this time frame? 16 <b>A. Over 200,000.</b> 17 Q. 200,000 letters were sent to customers? 18 <b>A. Yes.</b> 19 Q. Hard copy letters? 20 <b>A. Some of the 2017 ones could be e-mails.</b> 21 Q. Okay. So up till 2016, it was hard copy 22 letters? 23 <b>A. Yes.</b> 24 Q. With stamps and envelopes and everything? 25 <b>A. Yes.</b></p>	<p>306</p> <p>1 Q. 2016 it was zero? 2 <b>A. Yes.</b> 3 Q. 2017 it was 12? 4 <b>A. 2017 it was 11.</b> 5 Q. It was 11. 2018 so far, one? 6 <b>A. Yes.</b> 7 Q. 2011 it was zero, right? 8 <b>A. Yes.</b> 9 Q. 2010? 10 <b>A. To my knowledge, 2010 is zero.</b> 11 Q. You would agree with me that Grande only 12 sends hard copy -- strike that. 13 Prior to the current process that involved 14 e-mail, Grande was sending hard copy letters, 15 right? 16 <b>A. Correct.</b> 17 Q. From CSG as a result of information 18 flowing through Grande's abuse system? 19 <b>A. Correct.</b> 20 Q. And Grande would only send a letter to a 21 customer through this process if the original 22 notice came from a known entity? 23 MR. BROPHY: Objection, vague. 24 <b>A. Can you clarify that?</b> 25</p>



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<p>319</p> <p>1 record at 12:11. 2 (Recess taken from 12:11 p.m. to 3 12:20 p.m.) 4 THE VIDEOGRAPHER: Here begins the media 5 No. 6 in the videotaped deposition of Stephanie 6 Christianson. We are going back on the record at 7 12:20. 8 BY MR. O'BEIRNE: 9 Q. Ma'am, when we went off the record, we 10 were discussing Grande's policy of not terminating 11 infringers from 2010 to 2016. Do you recall that? 12 <b>A. Yes.</b> 13 Q. I'm just trying to understand who was in 14 charge of that policy for that period, from 2010 15 to 2013 when ABB was still helping manage Grande. 16 ABB was responsible for that policy; is that 17 accurate? 18 MR. BROPHY: I'll just caution you not to 19 disclose attorney-client privileged 20 communications. Otherwise you can answer. Also 21 object as outside the scope of the topics. 22 <b>A. I'm not sure who was in charge.</b> 23 BY MR. O'BEIRNE: 24 Q. Either at Grande or at ABB? 25 <b>A. I'm just not sure who drove it.</b></p>	<p>321</p> <p>1 copyright infringement in the DMCA and the DMCA 2 policy, peer-to-peer file sharing, et cetera, 3 you're not able to tell me whether Patriot and 4 Grande engaged in any communications whatsoever in 5 2013 on any of the topics listed in Topic 7? 6 MR. BROPHY: I'll caution you not to 7 disclose attorney-client privileged 8 communications. 9 Just to be clear -- sorry, Counsel, but I 10 want to make sure we're clear on this. You're 11 allowed to say yes or no as to whether a 12 communication took place between attorneys, but 13 simply not disclose the subject matter of that 14 communication. Does that make sense? 15 <b>A. THE WITNESS: Yes.</b> 16 MR. BROPHY: So its existence is okay to 17 talk about, the subject matter of it is not. 18 <b>A. THE WITNESS: Okay.</b> 19 BY MR. O'BEIRNE: 20 Q. Did Grande and Patriot have communications 21 about the termination of subscribers for copyright 22 infringement in 2013? 23 <b>A. I can't -- I don't know.</b> 24 Q. Is it fair to say you also don't know 25 whether Grande and Patriot had any other</p>
<p>320</p> <p>1 Q. And under the topic of communications 2 between Patriot and Grande regarding DMCA 3 policies, copyright infringement, when Patriot 4 took over management responsibilities for Grande 5 in 2013, what discussions did Patriot have with 6 Grande about its current practice of not 7 terminating any subscribers for copyright 8 infringement or alleged copyright infringement? 9 MR. BROPHY: I'll instruct the witness not 10 to answer those questions on the basis of 11 attorney-client privilege. 12 BY MR. O'BEIRNE: 13 Q. Setting aside what was contained in any 14 such communication, did Grande and Patriot have 15 communications, privileged or nonprivileged, about 16 the termination of subscribers for copyright 17 infringement in 2013? 18 MR. BROPHY: And you may answer in a 19 yes/no capacity. 20 <b>A. I don't know.</b> 21 BY MR. O'BEIRNE: 22 Q. Sitting as Grande's corporate 23 representative for Topic No. 7, communications 24 exchanged between Grande and Patriot concerning 25 Grande or Patriot's potential legal exposure for</p>	<p>322</p> <p>1 communications -- had any -- strike that. 2 Is it also fair to say you don't know, 3 sitting here as Grande's representative on Topic 4 No. 7, whether Grande and Patriot had 5 communications concerning any of the other topics 6 listed in Topic 7 in 2013? 7 MR. BROPHY: Same cautions. 8 <b>A. Yes. I don't know of any discussions that</b> 9 <b>occurred in 2013.</b> 10 BY MR. O'BEIRNE: 11 Q. But as Grande's 30(b)(6) witness, you are 12 confident that Grande's policy of not terminating 13 subscribers for copyright infringement or alleged 14 copyright infringement regardless of notices 15 received continued after Patriot took over 16 management responsibilities in 2013? 17 <b>A. Yes, our policy, our process did not</b> 18 <b>change until later on.</b> 19 Q. Until 2017? 20 <b>A. Correct.</b> 21 Q. I think we've covered this clearly, but 22 just to make sure we have a clean record. You 23 would agree with me that Grande did not have a 24 policy that provided for the termination of 25 subscribers and account holders who were repeat</p>



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<p>323</p> <p>1 copyright infringers in 2010, right?</p> <p>2 <b>A. To my knowledge, yes.</b></p> <p>3 Q. Same answer for 2011?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. 2012?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. 2013?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. 2014?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. 2015?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And 2016?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Ruth Ann Welsh is not an attorney,</p> <p>16 correct, ma'am?</p> <p>17 MR. BROPHY: Objection, calls for</p> <p>18 speculation; also outside the scope of the topics.</p> <p>19 BY MR. O'BEIRNE:</p> <p>20 Q. Do you have any reason to believe Ruth Ann</p> <p>21 is a lawyer?</p> <p>22 MR. BROPHY: Same objections.</p> <p>23 <b>A. No.</b></p> <p>24 <b>BY MR. O'BEIRNE:</b></p> <p>25 Q. She's a project manager, right?</p>	<p>325</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. That come -- one of the addresses they</p> <p>3 come to is abuse@mygrande.com?</p> <p>4 <b>A. That's the older address, yes.</b></p> <p>5 Q. And that routes to dmca@mygrande.com?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Other violations than just DMCA violations</p> <p>8 are also sent to abuse@mygrande.com, correct?</p> <p>9 <b>A. That is correct.</b></p> <p>10 Q. So Grande's abuse database, aside from</p> <p>11 processing DMCA notices, also processes other</p> <p>12 kinds of communications, right?</p> <p>13 <b>A. There is an abuse front end that handles a</b></p> <p>14 <b>variety of other things as well.</b></p> <p>15 Q. The abuse front end is like a funnel,</p> <p>16 right? That's fair?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. It intakes both DMCA-related notices and</p> <p>19 notices that don't relate to the DMCA, right?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. And then what happens to a particular</p> <p>22 subject matter notice depends on Grande's system?</p> <p>23 <b>A. Correct.</b></p> <p>24 Q. Were all DMCA notices sent to</p> <p>25 abuse@mygrande and dmca@mygrande from 2010 to 2017</p>
<p>324</p> <p>1 MR. BROPHY: Same objections.</p> <p>2 <b>A. I'm not sure what her title is.</b></p> <p>3 <b>BY MR. O'BEIRNE:</b></p> <p>4 Q. I thought I recall you saying earlier in</p> <p>5 your testimony that you and she have similar</p> <p>6 roles. Her role at RCN is similar to your role at</p> <p>7 Grande. Is that fair?</p> <p>8 <b>A. It's similar, but she has a different</b></p> <p>9 <b>title.</b></p> <p>10 Q. Sitting here today, you're not sure what</p> <p>11 that title is?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. Okay. Ma'am, I have like I said some</p> <p>14 miscellaneous questions just to get through here</p> <p>15 before we finish, so please bear with me.</p> <p>16 Is Grande's abuse database used</p> <p>17 exclusively to track DMCA violations?</p> <p>18 MR. BROPHY: Objection, vague.</p> <p>19 <b>A. To my knowledge, the database housing the</b></p> <p>20 <b>counts of alleged infringement notices we have is</b></p> <p>21 <b>separate.</b></p> <p>22 <b>BY MR. O'BEIRNE:</b></p> <p>23 Q. Okay. I appreciate that. I'm asking you</p> <p>24 something slightly differently, though. There is</p> <p>25 an abuse system that intakes DMCA notices, right?</p>	<p>326</p> <p>1 loaded into this abuse database?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Were reports from the abuse database</p> <p>4 generated in the normal course of Grande's</p> <p>5 business?</p> <p>6 MR. BROPHY: I'll object as outside the</p> <p>7 scope of the topics and calling for a legal</p> <p>8 conclusion and calling for speculation.</p> <p>9 You can answer in your personal capacity</p> <p>10 if you're able to.</p> <p>11 <b>A. I'm not sure which reports were pulled out</b></p> <p>12 <b>of there.</b></p> <p>13 <b>BY MR. O'BEIRNE:</b></p> <p>14 Q. Sitting here today, can you explain any</p> <p>15 kind of routine generation of reports Grande</p> <p>16 engaged in of information in the abuse database</p> <p>17 from 2010 to 2016?</p> <p>18 <b>A. I'm not aware of any routine reports.</b></p> <p>19 Q. Please describe what, if any, routine</p> <p>20 monitoring or tracking of the information in the</p> <p>21 abuse database Grande was engaged in from 2010</p> <p>22 through 2016.</p> <p>23 MR. BROPHY: Object as outside the scope</p> <p>24 of the topics and vague.</p> <p>25 <b>A. Can you be more specific, please.</b></p>

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## REPORTER'S CERTIFICATION

I, Micheal A. Johnson, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of July, 2018.



MICHEAL A. JOHNSON, RDR, CRR  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS